

Crossing the Rubicon

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Violence seems to have become a pervasive feature of our times. From terrorism in Europe to frequent mass shootings in the US, to political violence, there is a widespread sense of things slipping away, of extreme attitudes breaking out into the open. While criminality per se does not necessarily suggest a weakening of law and institutions, the current spread of violence is cause for concern. Escalating acts of violence and the diminishing response from society (and in some cases the authorities themselves) risk undoing the fabric of democracy itself. Greece presents a good example of this dynamic.

On Monday 21st of May a group of Greek anarchists (that go by the name of Rubicon) attacked the Athens courthouse where the Council of State (the supreme administrative court of Greece) sits. They caused some physical damage. This follows attacks on a notary's office (18 May), the home of the Austrian ambassador (13 May), the British Council (26 April), the French embassy (22 April). The list goes on. So pervasive is the activity of this group of disruptors that it has become the background to a new normality in Greece. Why is this important? Is it not disingenuous to list mildly disruptive actions of a small group in a small country alongside Islamic terrorism and the pervasive murderous violence that plagues America? Rubicon is a good illustration of the disease of our times, precisely because it is the mundane background noise to the horror show that 24-hour news channels are pouring into our homes. Rubicon is emblematic of the retreat of the rule of law, not only in Greece, but everywhere.

What do we mean by 'the rule of law'? In a 2008 novel Tony Parsons using the voice of one of his characters offers the following definition of the rule of law:

'The rule of law means that the law applies to everyone in equal measure. Where the rule of law does not apply, legal solutions are imperfect. The rule of law is the root and branch of democracy'

Perhaps the most widely used definition of the concept in Anglo-American common law tradition is that offered by Dicey who described the rule of law as prohibiting punishment without prior laws which are applied equally to all by regular courts. Building on Dicey, the rule of law has come commonly to be regarded as a system in which laws are clearly communicated to the public, have clear meanings and are applied equally to all, governor and governed, pretty much as the idealistic lawyer in Parson's novel suggests. The idea of the rule of law has also come to be seen as encompassing fair and competent law enforcement and the independent and impartial administration of justice, so that even the government itself can be held to account when it acts above the law. As a result, the concept of the rule of law is regarded as making possible the individual rights, which are the bedrock of modern democracy.

Rubicon is not a terrorist group, it is not a political party, it is not a group of vigilante Robin Hoods. It is the symptom of a disease. The disease is the brutalisation of a frustrated, enraged society that hates everyone and also hates itself. It is the outcome of years of online and media rage against elites, foreigners, manipulators, deceivers, enemies within and without. It spawns from the same political ground that gave birth to Trumpism, to Brexit, that fuels the rise of populism across the west. Crucially, Rubicon, in its self-proclaimed role as defender of the people, carrier of the truth and all-round avenger of 'evil' suggests a deconstruction of the rule of law itself. Rubicon serves punishment without laws, without process, without a chance to respond. Rubicon is above the law, and untouched by the law; as the Greek authorities have been singularly disinterested and unable to deal with the wave of violence it has unleashed.

Rubicon attacks the individual rights, property and sense of self that are key to a law governed state. It is no exaggeration to say that the state machine itself is so undermined by the same socio-political dynamic that created Rubicon that the Greek PM himself is unable to respond to expressions of political violence, even when they make headlines. Responding to a (non Rubicon) violent attack on the Mayor of Thessaloniki (Greece's second largest city), the PM tweeted that the attackers weren't frustrated citizens, as if frustration legitimates or excuses political violence.

Political violence is not new, politically motivated terrorism is not new either. What is new is the unwillingness of the 'system' to respond, the banality of violence and the growing belief that someone needs to do something against those shadowy others that oppress us. Coarseness in political life leads to the withering of democracy. Greece is not the only example. Fascism does not arrive in stomping boots. It creeps in and, one day, it is already there.

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